

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
DAVID FLOYD, *et al.*,

Plaintiffs,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.
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:
:
:
: 08 Civ. 01034 (SAS)
:
: ECF CASE
:
: **NOTICE OF MOTION TO**
: **EXCLUDE CERTAIN**
: **OPINIONS OF**
: **DEFENDANTS' PROPOSED**
: **EXPERT, DENNIS SMITH**

PLEASE TAKE NOTICE THAT, upon the accompanying Declaration of Darius Charney and Supporting Exhibits, the accompanying Memorandum of Law in Support of Plaintiffs' Motion to Exclude Certain Opinions of Defendants' Proposed Expert, Dennis Smith, and all prior pleadings and proceedings had herein, Plaintiffs will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York, as soon as counsel may be heard, for an order, pursuant to Rules 702 and 403 of the Federal Rules of Evidence, granting Plaintiffs' Motion.

PLEASE TAKE FURTHER NOTICE, that Defendants' response, if any, must be served on the undersigned no later than July 24, 2012; and

PLEASE TAKE FURTHER NOTICE, that Plaintiffs' reply must be served no later than August 7, 2012.

Dated: New York, New York
June 26, 2012

By:


GRETCHEN HOFF VARNER

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